IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 9TH JANUARY 2007 / 19TH PAUSHA 1928

MACA.No. 2203 of 2006(C)

OPMV.2416/1998 of MOTOR ACCIDENT CLAIMS TRIBUNAL, ERNAKULAM
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APPELLANT/PETITIONER:

C.A.UNNI, S/O.ASOKAN,
CHOOLAKADAVUL PATTANAM, VADAKKEKARA P.O.,
N.PARUR.

BY ADV. SRI.K.JANARDHANAN
SRI.MANURAJ. K.J

RESPONDENTS: RESPONDENTS 1 TO 3
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1. M.P.PEYUSH, SINDHU NIVAS,
KOTHAPARAMBU, KODUNGALLOOR.

2. MR.UNNIKRISHNAN,
CHEMMANGAPARAMBIL, METHALA PANCHAYATH,
METHALA VILLAGE, TRICHUR.

3. THE ORIENTAL INSURANCE CO.LTD.,
P.B.NO.27, NORTH NADA, KODUNGALLOOR.

ADDL. 4. THE MANAGING DIRECTOR,
K.S.R.T.C., TRIVANDRUM.

5. SENADHI RAJAN,
KUMARAMANDIRAM, CHANDRAVILA, ANAKUTHI KARA.
(ADDL.RESPONDENTS 4 AND 5 NOT INCLUDED BECAUSE THERE IS NO FINDING AGAINST THEM AS PER AWARD).

BY

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 09/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S. RADHAKRISHNAN & M.N. KRISHNAN, JJ.

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M.A.C.A. NO. 2203 OF 2006

and

C.M.Appln.2319 of 2006

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Dated this the 9th of January, 2007.

J U D G M E N T

Radhakrishnan, J.

C.M.Appln.2319/06 is filed for condoning the delay of 433 days in filing the appeal. We have perused the affidavit filed in support of the delay condonation application. No sufficient grounds are made out to condone the delay. Reason stated is that the appellant was out of station, not a justifiable ground to condone the delay of 433 days.

On merits also, taking note of the injuries sustained by the claimant, we are of view that the Tribunal has awarded just and proper compensation. So, no interference by this Court is warranted. Therefore, the delay condonation application is dismissed and as a consequence of which the M.A.C.A. is also dismissed.

K.S. RADHAKRISHNAN, JUDGE.

M.N. KRISHNAN, JUDGE.

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